IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21279 of 2004

Between:

A. Ramesh, S/o. Veeraraghavaiah,
D.No. 40-25-14, Jaasthivari Street, Patamata Lanka, Vijayawada. **.....**
PETITIONER

AND

1 The Commissioner of Intermediate Education,
Government of Andhra Pradesh,
Saifabad, Hyderabad.
2 The District Educational Officer, Krishna District, at
Vijayawada.
3 Management of P.R.S.M. National Junior College,
Bhavanipuram, Vijayawada, Rep. by its Correspondent,
4 Senior Superintendent of Post Offices, Vijayawada
(R4 is impleaded as per court order dt. 9-3-2005 in
WPMP 3004 of 2005)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ, more particularly one in the nature of Writ of Mandamus declaring that the action of the first and second respondents in not taking appropriate punitive action under Teachers Provident Fund Rules against the third respondent for non-deposit of Provident Fund contributions of the staff deducted from their salaries from the year 1998 onwards in spite of repeated representations dated 5/8/1999 on wards, is an unlawful and arbitrary act of dereliction of duty, and further directing the first respondent to take action forthwith in the matter,

Counsel for the Petitioner: MR.K.BALAGOPAL

Counsel for the Respondent Nos.1 to 3.: GP FOR EDUCATION

Counsel for the Respondent No.4: MR.D.V.SITHARAMA MURTY

The Court, at the admission stage, made the following :

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 21279 of 2004

ORDER:

This writ petition is filed seeking writ of mandamus, declaring the action of the respondents 1 and 2 in not taking appropriate punitive action under Teachers Provident Fund Rules against the 3rd respondent for non-deposit of Provident Fund contributions of the staff, deducted from their salaries from the year 1998 onwards, as illegal and arbitrary.

2. The respondents 1 to 3 filed a counter affidavit stating that the 1st respondent-Commissioner of Intermediate Education, through his proceedings Rc.No.Admn.
IB-1/3867/2002, dated 27-12-2004, instructed the Special Officer-District Vocational Education Officer, Eluru, to take immediate action, with regard to the allegation made by the petitioner, as follows:-

1. To verity the total amount misappropriated by the management in not remitting to the respective agencies, the deductions made from the salaries of the staff and the date from which the deductions are not remitted to the respective agencies like L.I.C., T.P.F., G.I.S., & Professional Tax etc.,

2. To verity whether the misappropriated amount is remitted back to the agencies or not.

3. To proceed to file a Criminal Case immediately against the person responsible for not remitting the same to the concerned agencies.

The report of the Special Officer-District Vocational Education Officer is awaited in the matter.

3. In view of the above instructions issued by the 1st respondent to the

Special Officer-District Vocational Education Officer, Eluru, to take immediate action against the person responsible for not remitting the Provident Fund Contributions to the concerned agencies, I consider it appropriate to dispose of the writ petition with certain direction.

4. Therefore, without entering into the merits of the case, writ petition is disposed of, directing the 1st respondent-Commissioner of Intermediate Education, Government of AP, Saifabad, Hyderabad, to take appropriate decision in pursuance of the report that may be submitted by the Special Officer-District Vocational Education Officer, Eluru. It is made clear that in the enquiry, the 4th respondent-Senior Superintendent of Post Offices, Vijayawada, shall co-operate with the Enquiry Officer. No costs.

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Kvr March 23, 2005

To

1 The Commissioner of Intermediate Education,
Government of Andhra Pradesh,
Saifabad, Hyderabad.
2 The District Educational Officer, Krishna District, at
Vijayawada.
3 Management of P.R.S.M. National Junior College,
Bhavanipuram, Vijayawada, Rep. by its Correspondent,
4 Senior Superintendent of Post Offices, Vijayawada
5 Two C.Cs to the GP for Education, AP High Court

Buildings, High Court of AP, Hyderabad.

6 2 CD copies.